

ADAMS, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IDA M. HUMENIUK,)	CASE NO. 5:10CV0237
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
v.)	<u>SENTENCE-FOUR REMAND ORDER</u>
)	[RESOLVING DOC. 14]
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	

An Administrative Law Judge (“ALJ”) denied Ida M. Humeniuk’s application for disabled widow’s insurance benefits after a hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision. The claimant sought judicial review of the Commissioner’s decision, and this Court referred the case to Magistrate Judge James S. Gallas for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(1).

This action is before the Court upon the parties’ Joint Motion for Entry of Judgment With Remand to the Commissioner Under Sentence Four of 42 U.S.C. § 405(g) (Doc. 14), and the Report and Recommendation of Magistrate Judge (Doc. 15) recommending that the Court grant the motion. The parties stipulate that the Court reverse the Commissioner’s decision and remand

the matter to the Commissioner for further proceedings and a new decision pursuant to sentence four of 42 U.S.C. § 405(g).¹ For good cause shown, the motion is GRANTED. Accordingly,

The decision of the Commissioner of Social Security is REVERSED and the case is REMANDED to the Commissioner for further proceedings and a new decision. On remand, the ALJ shall: (1) if Plaintiff is unrepresented, explicitly advise Plaintiff of her right to representation, ask if she wants to be represented, and obtain a valid waiver if she chooses to proceed without representation; (2) fully question Plaintiff regarding all relevant issues related to her disability claim; and, (3) elicit whether there is any additional evidence that is material to the issues. After completing the foregoing and conducting any other record development the ALJ deems appropriate, the ALJ shall issue a new decision.

This Sentence-Four Remand Order constitutes entry of judgment pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.

August 18, 2010

Date

/s/ John R. Adams

John R. Adams
U.S. District Judge

¹Sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), states: The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.